



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,840	08/19/2003	David Guthrie	11389-032	4911

20583 7590 04/24/2006

JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017

EXAMINER

LIN, KELVIN Y

ART UNIT PAPER NUMBER

2142

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/643,840

Applicant(s)

GUTHRIE, DAVID

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## Detailed Action

### *Response to Arguments*

1. Applicant's arguments with respect to claims 7-27 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 7-27 are rejected under 35 U.S.C 103(a) as being unpatentable over Hoyle M., (US Patent No. 6771290) in view of Wang et al., (US Patent No. 6085249).
2. Regarding claim 7, Hoyle teaches a method for providing a user with a customized data based on a user profile (Hoyle, col. 8, l. 31-32), the method comprising the step of:
  - collecting electronic data based on the user profile and storing the collected data in a database (Hoyle,col. 8, l. 3-50);Hoyle does not specifically disclose the limitation of send the user a checksum of the collected data.

However, Wang discloses about:

- sending to the user a checksum of the collected data (Wang, col. 6, l.50-63, in which the server sending a requested media object, and the client receives the requested media object, then regenerates a check sum to compare against the check sum transmitted from the server see Fig. 3a, step 311);

Because the user at the client system select an identifier for a media container, such as album name for a picture album and transmits this identifier to the server with user's specification. (Wang, Fig 3A, element 305-311), it would have been obvious to incorporate Wang's transferring restricted data from server to the client (Wang, Abstract) in the device of Hoyle with providing of user's profile to transmit the digital data (Hoyle, Abstract).

- receiving from the user an indication of data previously sent to user (i.e. error message generated for the user, see Hoyle, col. 21, lines 45-46); and
- sending to the user the electronic data that has not been previously sent to the user, see Hoyle, col. 21 , lines 47-51);

3. Regarding claim 8, for step of deleting from the database electronic data, Hoyle teaches basic commands available for view and use to access to a menu, such as deleting and adding, see Hoyle, col. 14, l. 1-13.

4. Regarding claims 9-12, for data collected on Internet and comprises images, Hoyle teaches 38-52.

5. Regarding claim 13, collected data is a healthcare related data, Hoyle discloses various set of links related to particular category, see col. 14, lines 61-67.
6. Regarding claims 14-24, claims recites similar subject matter in system as method claims 7-13, therefore is rejected for similar reasoning.
7. Regarding claim 25, Wang further discloses the method of claim 7 wherein the sent checksum identifies one or more collected data items (Wang, col.6, l.50-63, Fig. 3a).
8. Regarding claim 26 has the similar limitation as claim 25. Therefore, claim 26 is rejected for the same reason set forth in the rejection of claim 25.
9. Regarding claim 27 has the similar limitation as claim 25. Therefore, claim 26 is rejected for the same reason set forth in the rejection of claim 25.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, Accordingly, **THIS ACTION IS MADE FINAL**. See MEPE 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first replay is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any

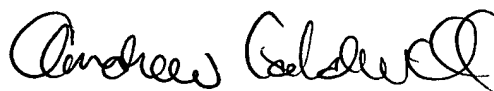
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTH from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/19/06  
KYL

  
ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER